



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

IN RE:)
)
 KEVIN ERNEST ATKINSON,) Case No. 180910852C
)
 Applicant.)

**ORDER REFUSING TO ISSUE A MOTOR VEHICLE
EXTENDED SERVICE CONTRACT PRODUCER LICENSE**

On October 18, 2018, the Consumer Affairs Division (“Division”) submitted a Petition to the Director alleging cause for refusing to issue a motor vehicle extended service contract producer license to Kevin Ernest Atkinson. After reviewing the Petition, the Investigative Report, and the entirety of the file, the Director issues the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. Kevin Ernest Atkinson (“Atkinson”) is a Missouri resident with a residential address of 3838 Bedford Point Drive, Wentzville, Missouri 63385.
2. On April 26, 2018, the Department of Insurance, Financial Institutions and Professional Registration (“Department”) received Atkinson’s Application for Motor Vehicle Extended Service Contract Producer License (“Application”).
3. Background Information Question 1 of the Application asks, in relevant part:

Have you ever been convicted of a crime, had a judgment withheld or deferred, received a suspended imposition of sentence (“SIS”) or suspended execution of sentence (“SES”), or are you currently charged with committing a crime?
4. Atkinson answered “Yes” to Background Information Question 1 on his Application. Atkinson provided court documentation and a written statement regarding the following conviction:
 - a. On January 13, 2014, Atkinson pled guilty to the Class D Felony of

Leaving the Scene of a Motor Vehicle Accident—Injury, Property Damage, or 2nd Offense, in violation of § 577.060. ¹ *State v. Kevin E. Atkinson*, St. Charles County Cir. Ct., Case No. 1311-CR04852-01. The court sentenced Atkinson to four years' incarceration in the Missouri Department of Corrections, suspended execution of sentence, and placed Atkinson on five years' supervised probation.

5. The Division's investigation revealed that Atkinson had multiple other felony convictions that Atkinson did not disclose in response to Background Information Question Number 1 on his Application:
 - a. On June 13, 1983, Atkinson was convicted upon a plea of guilty of the Class E Felony of Criminal Damage to Property, in violation of the Kansas Statutes Annotated § 21-3720. *State of Kansas v. Kevin Atkinson*, Finney Co. Dist. Ct., Case No. 83CR266. The court sentenced Atkinson to a term of not less than one nor more than five years' confinement in the Kansas Department of Corrections. *Id.*
 - b. On August 24, 1983, Atkinson was convicted upon a plea of guilty of the Class D Felony of Theft, in violation of the Kansas Statutes Annotated § 21-3701. *State of Kansas v. Kevin E. Atkinson*, Finney Co. Dist. Ct., Case No. 83CR333. The court sentenced Atkinson to a term of not less than two nor more than five years' confinement in the Kansas Department of Corrections, to run consecutive with the sentence imposed in Case No. 83CR266. *Id.*
 - c. On February 20, 1987, Atkinson was convicted upon a plea of guilty of the Class E Felony of Driving While License is Suspended, in violation of the Kansas Statutes Annotated § 8-262. *State of Kansas v. Kevin Atkinson*, Finney Co. Dist. Ct., Case No. 86CR688. The court sentenced Atkinson to a term of not less than one nor more than two years' confinement in the Kansas Department of Corrections. *Id.*
 - d. On November 20, 1987, Atkinson was convicted of the Class C Felony of Robbery, in violation of the Kansas Statutes Annotated § 21-3426. *State of Kansas v. Kevin E. Atkinson*, Finney Co. Dist. Ct., Case No. 87CR110. The court sentenced Atkinson to a term of not less than nine nor more than forty years' confinement in the Kansas Department of Corrections. *Id.*

¹ This and all criminal statutory citations are to that version of the Revised Statutes of Missouri, Kansas Statutes Annotated, or Illinois Compiled Statutes in effect at the time the court rendered judgment.

- e. On November 20, 2006, Atkinson was convicted upon a plea of guilty of the Class 4 Felony of Aggravated Fleeing or Attempting to Elude, in violation of the Illinois Compiled Statutes Chapter 625, Act 5 § 11-204.1(a)(1). *State of Illinois v. Kevin E. Atkinson*, Jersey Co. Cir. Ct., Case No. 06-CF-162. The court sentenced Atkinson to two years' incarceration in the Illinois Department of Corrections, with conditional discharge, and placed him on two years' supervised probation. *Id.*
- 6. It is inferable, and hereby found as fact, that Atkinson failed to disclose his Kansas and Illinois felony convictions on his Application in the hopes that the Director would look more favorably upon his Application and issue a license to him.

CONCLUSIONS OF LAW

- 7. Section 385.209.1 provides, in relevant part:

The director may suspend, revoke, refuse to issue, or refuse to renew a registration or license under sections 385.200 to 385.220 for any of the following causes, if the applicant or licensee or the applicant's or licensee's subsidiaries or affiliated entities acting on behalf of the applicant or licensee in connection with the applicant's or licensee's motor vehicle extended service contract program has:

- (3) Obtained or attempted to obtain a license through material misrepresentation or fraud; [or]

* * *

- (5) Been convicted of any felony[.]

- 8. The Director may refuse to issue a motor vehicle extended service contract producer license to Atkinson under § 385.209.1(3) because Atkinson attempted to obtain a license through material misrepresentation or fraud in that he failed to disclose the full extent of his criminal history. While Atkinson disclosed his 2014 felony conviction from St. Charles County, Missouri, *State v. Kevin E. Atkinson*, St. Charles County Cir. Ct., Case No. 1311-CR04852-01, in response to Background Information Question 1 of his Application, he failed to disclose five other felony convictions from Kansas and Illinois. *State of Kansas v. Kevin Atkinson*, Finney Co. Dist. Ct., Case No. 83CR266; *State of Kansas v. Kevin E. Atkinson*, Finney Co. Dist. Ct., Case No. 83CR333; *State of Kansas v. Kevin Atkinson*, Finney Co. Dist. Ct., Case No. 86CR688; *State of Kansas v. Kevin E. Atkinson*, Finney Co. Dist. Ct., Case No. 87CR110; *State of Illinois v. Kevin E. Atkinson*, Jersey Co. Cir. Ct., Case No. 06-CF-162.

9. The Director may refuse to issue a motor vehicle extended service contract producer license to Atkinson under § 385.209.1(5) because Atkinson has been convicted of a felony. More particularly, Atkinson has been convicted of six felonies, including Criminal Damage to Property, Theft, Driving While License is Suspended, Robbery, Aggravated Fleeing or Attempting to Elude, and Leaving the Scene of a Motor Vehicle Accident. *State of Kansas v. Kevin Atkinson*, Finney Co. Dist. Ct., Case No. 83CR266; *State of Kansas v. Kevin E. Atkinson*, Finney Co. Dist. Ct., Case No. 83CR333; *State of Kansas v. Kevin Atkinson*, Finney Co. Dist. Ct., Case No. 86CR688; *State of Kansas v. Kevin E. Atkinson*, Finney Co. Dist. Ct., Case No. 87CR110; *State of Illinois v. Kevin E. Atkinson*, Jersey Co. Cir. Ct., Case No. 06-CF-162; *State v. Kevin E. Atkinson*, St. Charles County Cir. Ct., Case No. 1311-CR04852-01.
10. Each felony conviction constitutes a separate and sufficient ground for the Director to refuse to issue Atkinson a motor vehicle extended service contract producer license under § 385.209.1(5).
11. The above-described instances are grounds upon which the Director may refuse to issue Atkinson a motor vehicle extended service contract producer license. Atkinson has six felony convictions and failed to disclose five of those felony convictions in response to Background Information Question Number 1 on the Application.
12. The Director has considered Atkinson's history and all of the circumstances surrounding Atkinson's Application. Issuing a motor vehicle extended service contract producer license to Atkinson would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue Atkinson a motor vehicle extended service contract producer license.
13. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license Application of **Kevin Ernest Atkinson** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 12th DAY OF AUGUST, 2019.



Chlora Lindley-Myers
CHLORA LINDLEY-MYERS
DIRECTOR

NOTICE

TO: Applicant and any unnamed persons aggrieved by this Order:

You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri, within 30 days after the mailing of this notice pursuant to Section 621.120, RSMo. Pursuant to 1 CSR 15-3.290, unless you send your complaint by registered or certified mail, it will not be considered filed until the Administrative Hearing Commission receives it.

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CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of August, 2019, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by United Parcel Service, with signature required, at the following address:

Kevin Ernest Atkinson
3838 Bedford Point Drive
Wentzville, Missouri 63385

No. 1Z0R15W84295870575


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